

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KARL BISSINGER, INC., and )  
KENNETH C. KELLERHALS, II, )  
                               )  
                               )  
Plaintiffs,                 )  
                               )  
                               )  
vs.                         )                          Case No. 4:05CV579-DJS  
                               )  
                               )  
MAYNARD KOLBRENER, II,     )  
LF CHOC, LLC, MARLEY F. OTTO, )  
DEBRA L. OTTO, and BRYAN CLIC, )  
                               )  
                               )  
Defendants.                 )

**PARTIAL JUDGMENT**

Pursuant to the order entered herein this day,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that plaintiffs' Count III (defamation) is dismissed for failure to state a claim under Rule 12(b)(6) to the extent that it is based on the allegedly defamatory statements in paragraphs 16 (excluding the fourth sentence), 17, 18, 19, 29(c), and 32(d)-(i) of the complaint.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Count VIII of plaintiff's complaint is dismissed for failure to state a claim upon which relief can be granted.

Dated this 28<sup>th</sup> day of September, 2005.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE